IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 514 of 1993

For Approval and Signature:

Hon'ble MISS JUSTICE R.M. DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

BHAGWATIBEN MANHARLAL PAREKH

Versus

MANHARLAL BABULAL PAREKH

Appearance:

MR RD RAVAL for Petitioner

MR AKSHAY H MEHTA for BN DOCTOR for Respondent No. 1

MR ST MEHTA APP for Respondent No. 2

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 03/10/2000

ORAL JUDGEMENT

This revision application under Section 397 read with Section 401 CrPC has been preferred by the complainant against the order of acquittal dated 18th

May, 1983 passed by the learned Judicial Magistrate, First Class, Ahmedabad [Rural] in Criminal Case No. 169 of 1986.

On 3rd February, 1984, the complainant lodged a complaint against her husband and her father-in-law about the burn injuries and beating given by the said two persons. The said complaint was investigated by the police and a report was submitted to the Magistrate to the effect that no offence was made out against the accused persons. Nonetheless, the learned Magistrate took cognizance of the offence and registered above-referred Criminal Case No. 169 of 1986. Pending the trial, the father-in-law Shri Babulal Parekh died and the prosecution against him has abated. The husband Manharlal Parekh was tried for the offences punishable under Sections 324 and 114 IPC. The medical report do evidence certain superficial burn injuries on the hands and legs of the complainant, however, the medical officer was of the opinion that the said injuries could have been inflicted by a hot iron rod and could be self inflicted also. It appears that the injuries mentioned in the complaint did not correspond with the injuries noticed and recorded by the medical officer. Besides, no injuries of beating was found on the body of the complainant. Further, before lodging the complaint before the Police, the complainant did not complain about the injuries given to her to anybody. The behaviour of the complainant was thus found to be unnatural. Keeping in view the totality of the evidence, the learned Magistrate held that the offence was not proved against the accused and recorded the order of acquittal. Feeling aggrieved, the complainant has preferred the present Revision.

Considering the evidence on record, the learned Magistrate cannot be said to have erred which has resulted into miscarriage of justice. Revision Application is dismissed. Rule is discharged.

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Prakash*